Calendar No. 908

99TH CONGRESS
2d Session

SENATE

REPORT
99-439

ESTABLISHMENT OF NATIONAL CEMETERIES

SEPTEMBER 12 (legislative day, SEPTEMBER 8), 1986.—Ordered to be printed

Mr. MURKOWSKI, from the Committee on Veterans' Affairs, submitted the following

REPORT

[To accompany H.R. 4345]

The Committee on Veterans' Affairs, to which was referred the bill (H.R. 4345) to authorize the Administrator of Veterans' Affairs to establish a national cemetery in or near Cleveland, OH, having considered the same, reports favorably thereon with an amendment in the nature of a substitute and an amendment to the title, and recommends that the bill, as amended, do pass.

COMMITTEE AMENDMENTS

The amendments are as follows:

Strike out all after the enacting clause as follows:

[SECTION 1. AUTHORITY TO ESTABLISH NATIONAL CEMETERIES.

[(a) AUTHORITY.—The Administrator of Veterans' Affairs is authorized to establish a national cemetery in or near Cleveland, Ohio.

[(b) LAND ACQUISITION.—The Administrator may acquire land necessary for the cemetery authorized by subsection (a) by donation, purchase, condemnation, exchange of lands in the United States public domain, or otherwise.

[(c) ADMINISTRATION.) A national cemetery established under this section shall become part of the National Cemetery System and shall be administered under chapter 24 of title 38, United States Code.]

and insert in lieu thereof the following:

SECTION 1. AUTHORITY TO ESTABLISH NATIONAL CEMETERIES.

(a) AUTHORITY.—The authority of the Administrator of Veterans' Affairs under chapter 24 of title 38, United States Code, to develop and acquire cemeteries as part of the National Cemetery System includes, but is not limited to, the authority to establish additional national ceneteries to serve the needs of veterans and their families in—

(1) Northern California;

(2) Chicago, Illinois;

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(3) Cleveland, Ohio;
(4) Pittsburgh, Pennsylvania;
(5) Dallas/Fort Worth, Texas;
(6) Miami, Florida;
(7) Seattle, Washington;
(8) Atlanta, Georgia;
(9) Phoenix/Tucson, Arizona;
(10) Birmingham, Alabama; and
(11) any other State in which a national cemetery is not available for the burial of veterans.

(b) LAND ACQUISITION.—The Administrator may acquire land necessary for a cemetery authorized by subsection (a) of this section by donation, purchase, condemnation, exchange of lands in the United States public domain, or otherwise.

Amend the title so as to read:

An Act to authorize the Administrator of Veterans' Affairs to establish national cemeteries in certain locations.

INTRODUCTION

On June 10, the House of Representatives considered and passed H.R. 4345, a bill to authorize the Administrator of Veterans' Affairs to establish a national cemetery in or near Cleveland, OH. On June 11, the measure as passed by the House was received in the Senate and referred to the Committee on Veterans' Affairs.

On June 26, the Committee met in open session to consider H.R. 4345 and voted unanimously to order the measure reported with an amendment in the nature of a substitute and an amendment to the title.

SUMMARY OF PROVISIONS

H.R. 4345 as reported (hereinafter referred to as the "Committee bill") would specify that the authority of the Administrator of Veterans' Affairs under chapter 24 of title 38, United States Code, to develop and acquire cemeteries as part of the National Cemetery System includes, but is not limited to, the authority to establish additional national cemeteries to serve the needs of veterans and their families in 10 specified regions of the United States as well as in any State where there is no open national cemetery. The Committee bill would further specify that the Administrator may acquire land necessary for such cemeteries by donation, purchase, condemnation, exchange of lands in the United States public domain, or otherwise.

DISCUSSION

The National Cemetery System, operated by the Veterans' Administration under chapter 24 of title 38, was originally established to provide burial space for the thousands of soldiers killed during the Civil War. For reasons of efficiency, the initial cemeteries were located in close proximity to battlefields and hospitals. Originally administered by the Department of the Army, jurisdiction over the system, which now consists of 109 national cemeteries, was transferred to the VA in 1973 with the passage of the National Cemeteries Act (Public Law 93-43). The VA administers the program through its Department of Memorial Affairs.

When it assumed responsibility for the system, one of the VA's goals was to devise a means of achieving a regional balance in the

location of cemeteries. Thus, it adopted what has become known as the "regional concept". Under this approach, a large national cemetery was established in each of the 10 Federal regions of the United States, as well as one in Quantico, Virginia. (In addition to these 11 cemeteries, the VA began development in fiscal year 1986 of a new national cemetery on a 400-acre site in the Withlacoochee State Forest in Florida.)

In addition, under section 1008 of title 38, enacted in 1978, the VA administers a program of matching-fund grants for the establishment, expansion, and improvement of State veterans' cemeteries. Since its inception, this program has made 14 grants for such cemeteries. (Attached as Appendix A is a listing of the grants that have been made under this program.)

With the regional concept having, for all intents and purposes, been fully implemented, concerns have arisen, nevertheless, as to the future of the system, its ability to serve the needs for burial spaces for deceased veterans, and the extent to which an appropriate distribution of available spaces will be achieved.

Last year, in recognition of these concerns, the Committee recommended and, on December 2, 1985, the Senate passed provisions, in section 402 of S. 1887, the proposed "Veterans Compensation and Benefits Improvements Act of 1985", that would require the Administrator to submit, 18 months and 60 months after the date of enactment of that bill, respectively, two reports on the future of the National Cemetery System. Each report would be required to include a detailed plan for the operation of the system through the year 2020, a priority listing of the 10 areas in the United States most in need of additional burial space, assessments of the desirability and feasibility of acquiring existing State veterans' cemeteries and the role of such cemeteries in meeting the needs of veterans, and general plans for any anticipated expansion of the system.

The Committee notes that these provisions are at this time still pending resolution of differences with the House of Representatives, that the House has approved a similar reporting requirement, and that enactment of provisions along these lines this Congress therefore appears likely.

The Committee has learned of a 1984 draft report reassessing the Regional Cemetery Concept in expansion of the National Cemetery System. This report identified 10 areas within the country "where establishment of an appropriately sized and scoped national cemetery would have the maximum impact on service to veterans on the basis of present and future demographic conditions". The report notes that these areas "are where the largest number of veterans are and will continue to be concentrated within an area that can be practically served by an open national cemetery." Listed in order according to the size of veteran population, these areas are:

1. Northern California.
2. Chicago, Illinois.
3. Cleveland, Ohio.
4. Pittsburgh, Pennsylvania.
5. Dallas/Ft. Worth, Texas.
6. Miami, Florida.
7. Seattle, Washington.
8. Atlanta, Georgia.
9. Phoenix/Tucson, Arizona.
10. Birmingham, Alabama.

Thus, the Committee bill would specify that the authority of the Administrator to establish national cemeteries includes the authority to establish national cemeteries in each of these 10 areas. Nothing in the Committee bill would in any way limit the Administrator's authority to establish national cemeteries in other locations. The Committee is aware of the fact that the VA is taking steps to establish a new national cemetery in Northern California with the development of a site in Santa Nella, California, and urges the VA to take all feasible steps to expedite the establishment of that new cemetery.

In addition, the Committee recognizes that there are currently 18 States without open national cemeteries, only three of which (Arizona, Georgia, and Washington) are represented on the list of 10. Other States have open cemeteries but are not expected to have resources to meet the demand for burial space for much more than 5 years—for example, Hawaii, 1988; North Carolina, 1992; Louisiana, 1992. (Attached as Appendix B is a listing of all national cemeteries showing close-out dates and a listing, by State, of open and closed national cemeteries.)

Thus, the Committee bill would similarly specify that the authority of the Administrator to establish national cemeteries includes the authority, which is not time limited, to establish cemeteries in States where there is no burial space available for veterans and their families in a national cemetery.

COST ESTIMATE

In compliance with paragraph 11(a) of rule XXVI of the Standing Rules of the Senate, the Committee estimates that there would be no additional costs resulting from the enactment of the Committee bill. This estimate is based upon a cost estimate submitted by the VA. The Committee bill does not require the establishment, or provide any new authority to establish, additional cemeteries and therefore would result in no additional costs over the next 5 years. The Congressional Budget Office's (CBO) estimate assumed development of 10 new national cemeteries at a 5-year cost of $65 million. A detailed breakdown of the costs, as estimated by the VA and CBO over the 5-year period, follows:

VETERANS' ADMINISTRATION,
OFFICE OF THE ADMINISTRATOR OF VETERANS' AFFAIRS,
Washington, DC, July 30, 1986.

Hon. FRANK H. MURKOWSKI,
Chairman, Committee on Veterans' Affairs,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: This is in reply to your July 12 request for our views on H.R. 4345, 99th Congress, as marked up and ordered reported by your Committee on June 26. We believe its provisions are unnecessary in view of authority we already have to establish national cemeteries.

The bill provides that VA's authority to establish national cemeteries "includes, but is not limited to" adding cemeteries in 10 specified metropolitan areas and in any other State not already having

a national cemetery open to new interments. It also describes how land necessary for any such cemetery may be obtained, i.e., by donation, purchase, condemnation or exchange of Federal properties "or otherwise."

Current law already authorizes me to add to the National Cemetery System by acquiring and developing new cemetery sites, 38 U.S.C. §§ 1000(b)(3), 1006, without limitation as to site selection or mode of acquisition. Thus, the provisions of H.R. 4345 as amended in Committee are surplusage, and VA opposes enactment as being likely to generate confusion as to its purpose. Because H.R. 4345 restates our current authority and does not mandate any cemetery development, there would be no additional costs associated with enactment.

Advice has been received from the Office of Management and Budget that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely,

THOMAS K. TURNAGE,
Administrator.

CONGRESSIONAL BUDGET OFFICE—COST ESTIMATE

AUGUST 5, 1986.

1. Bill number: H.R. 4345.
2. Bill title: None.
3. Bill status: As amended and ordered reported by the Senate Committee on Veterans' Affairs, June 25, 1986.
4. Bill purpose: To authorize the Administrator of Veterans' Affairs to establish various national cemeteries.
5. Estimated cost to the Federal Government:

[By fiscal years, in millions of dollars]

	1987	1988	1989	1990	1991
Estimated authorization level	65	0	0	0	0
Estimated outlays	7	14	16	18	10

The cost of this bill would fall in budget function 700.

Basis of estimate

This bill would authorize the construction of ten new national cemeteries in specific locations, as well as granting the Administrator blanket authority to establish additional new cemeteries as needed. The authorization level was estimated based on the average cost of new cemetery construction currently underway by the VA, and it includes only the cost of the ten specified cemetery sites. The estimate does not include the cost of purchasing land for the cemeteries, because the VA traditionally accepts donations of land for this purpose from state governments or individuals. Should the agency be required to purchase the land for one or more of the ten cemeteries, the cost of this bill could be considerably greater than shown above.

The estimate assumes that all necessary funds would be appropriated in fiscal year 1987 and that outlays would occur according to historical spending patterns.

6. Estimated cost to State and local government: The Congressional Budget Office has determined that the budgets of state and local governments would not be directly affected by enactment of this bill.

7. Estimate comparison: None.

8. Previous CBO estimate: On May 21, 1986 CBO prepared a cost estimate of H.R. 4345, as ordered reported by the House Committee on Veterans' Affairs. The House bill authorized the establishment of only one cemetery, in or near Cleveland, Ohio. The cost estimated for that proposal was as shown below.

[By fiscal years, in millions of dollars]

	1987	1988	1989	1990	1991
Estimated authorization level	6	0	0	0	0
Estimated Outlays	*	1	2	1	*

9. Estimate prepared by: K.W. Shepherd.

10. Estimate approved by: C.G. Nuckols, (for James L. Blum, Assistant Director for Budget Analysis).

REGULATORY IMPACT STATEMENT

In compliance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee on Veterans' Affairs has made an evaluation of the Regulatory impact which would be incurred in carrying out the Committee bill. The results of that evaluation are described below.

A. *Estimates of the number of individuals in businesses who would be regulated, and a determination of the groups and classes of such individuals and businesses:* No businesses or individuals would be subject to new regulation under the Committee bill.

B. *Determination of the economic impact of such regulations on individuals, consumers, and businesses affected:* None of the provisions of the Committee bill entail regulations that would have a significant economic impact on individuals or businesses.

C. *Determination of the impact on the privacy of the individuals affected:* The enactment of the Committee bill would have no significant impact on the personal privacy of any persons.

D. *Determination of the amount of additional paperwork that will result from regulations to be promulgated under the bill:* None of the provisions of the Committee bill entail regulations that would impose significant paperwork requirements on individuals or businesses.

RECORD OF VOTES CAST IN COMMITTEE

Pursuant to paragraph 7 of rule XXVI of the Standing Rules of the Senate, announcement is made that the members of the Committee on Veterans' Affairs, at a June 26, 1986, meeting to consider H.R. 4345, unanimously by voice vote, agreed to report H.R. 4345,

with an amendment in the nature of a substitute and an amendment to the title, favorably to the Senate.

AGENCY REPORTS

The Committee obtained no agency reports on H.R. 4345.

[Appendix A—Listing of State Cemetery Grants]

[Appendix B—Listing of Existing National Cemeteries]

APPENDIX A

STATE CEMETERY GRANT AWARDS
(A/O May 27, 1986)

All cemeteries open except as otherwise noted

Fiscal Year 1980		
Maryland, Eastern Shore	$ 162,826	
Maryland, Rocky Gap	276,626	$439,452
Fiscal Year 1981		
Arizona, Phoenix	104,125	
Maryland, Cheltenham	403,706	$507,831
Fiscal Year 1982		
Illinois, Quincy	44,455	
Maine, Augusta	197,797	
Maryland, Crownsville	641,952	$884,204
Fiscal Year 1983		
Maryland, Garrison Forest	861,789	
Rhode Island, Exeter	710,000	
Wyoming, Evansville	672,306	$2,244,095
Fiscal Year 1984		
Arizona, Phoenix	187,618	
Conneticut, Middletown	682,143	
Maine, Augusta	18,249	
Rhode Island, Exeter	40,119	
Wyoming, Evansville	44,875	$973,004
Fiscal Year 1985		
Maryland, Crownsville	252,464	
Illinois, Quincy	50,589	
New Jersey, Arneytown	1,454,088	$1,757,141
Fiscal Year 1986		
* Guam, Piti	2,560,471	
Maryland, Crownsville	168,865	
Rhode Island, Exeter	13,662	
Wyoming, Evansville	787,938	$3,530,936
	GRAND TOTAL	$10,336,663

22 Grants/9 States

*Under construction

NATIONAL CEMETERY SYSTEM

APPENDIX B

National Cemeteries—Location, Interments, and Status of Gravesites
September 30, 1985

National Cemetery	FY 1985 Interments	Gravesites			Available		Close-out Date (Fiscal Year)[4]
		Used Gravesites	Reserved	Available	Cremains Sites[1]	Casket Sites[2]	
Total	30,489	1,566,899	62,060	23,956	53,381	470,366	
Alexandria, LA	126	6,644	148		39	937	1992
Alexandria, VA	5	4,063	24		73	1	Closed
Alton, IL	4	486	36		0	1	Closed
Annapolis, MD	3	2,924	30		2	0	Closed
Baltimore, MD	0	25	0		0	0	Closed
Bath, NY	246	34,429	2,990		752	75	Closed
Baton Rouge, LA	554	15,638	649	779	462	3,530	1999
Barrancas, FL	168	9,349	0		7	225	1997
Bath, NY	10	5,830	48		2	2	Closed
Baton Rouge, LA	880	5,275	0	266	702	1,244	1997
Bay Pines, FL	168	12,185	186		137	5,039	2030
Beaufort, SC	279	37,286	3,882		98	9	Closed
Beverly, NJ	234	3,751	837	233	149	4,384	1993
Biloxi, MS	430	7,548	414		924	13,540	2030+
Black Hills, SD	6,748	43,048	0	11,988	1,734	15,188	2030+
Calverton, NY	234	9,901	276		114	8,883	2026
Camp Butler, IL	196	8,987	82		251	2,256	2018
Camp Nelson, KY	2	5,634	3		23	0	Closed
Cave Hill, KY	568	26,918	907		98	13,713	2018
Chattanooga, TN	12	5,495	76		28	0	Closed
City Point, VA	3	971	0		0	0	Closed
Cold Harbor, VA	25	8,347	18		40	9,542	2030+
Corinth, MS	0	795	0		0	0	Closed
Crown Hill, IN	133	5,571	9		51	5,161	2030+
Culpeper, VA	34	19,566	57		50	28	Closed
Cypress Hills, NY	114	6,650	0		288	12,582	2030+
Danville, IL	9	393	1		9	2	Closed
Danville, KY	2	2,156	25		27	0	Closed
Danville, VA	563	27,213	2		30	401	2001
Dayton, OH	223	2,329	0		0	4,252	2030+
Eagle Pass, OR	84	3,734	93		44	291	1998
Fayetteville, AR	0	2,763	2		0	0	Closed
Finn's Point, NJ	131	6,862	58		35	635	2004
Florence, SC							
Florida, FL[5]	53	2,013	0		39	2,542	2030+
Fort Bayard, NM	939	18,321	1,142		288	37,304	2030+
Fort Bliss, TX	444	1,313	24	219	45	8,342	2030+
Fort Custer, MI	261	8,515	133		48	2,982	2009
Fort Gibson, OK	8	1,113	2		2	0	Closed
Fort Harrison, VA							Closed
Fort Leavenworth, KS[3]	1,002	31,183	682		1,940	11,781	2030+
Fort Logan, CO	38	1,042	0		0	8,174	2030+
Fort Lyon, CO	134	4,917	84		9	2,448	2030+
Fort McPherson, NE	0	199	0		0	0	Closed
Fort Meade, SD							
Fort Mitchell, AL[6]	79	1,411	0		293	1,273	2030+
Fort Richardson, AK	1,858	44,100	2,079		569	0	Closed
Fort Rosecrans, CA	2,131	45,833	2,895		139	19,186	2001
Fort Sam Houston, TX	84	3,298	58	55	21	3,710	2011
Fort Scott, KS	239	6,196	266		92	3,119	2002
Fort Smith, AR	3,335	82,302	12,462	2,673	3,914	32,217	2030+
Fort Snelling, MN	6	1,366	0		0	0	Closed
Glendale, VA	1,453	99,794	7,626		9,109	21	Closed
Golden Gate, CA	2	2,084	47		0	0	Closed
Grafton, WV	298	21,410	462	174	127	1,985	1999
Hampton, VA	0	22	0		0	0	Closed
Hampton, (VAMC), VA	0	1,481	0		0	1	Closed
Hot Springs, SD	1,386	17,985	33		83	12,750	2030+
Houston, TX	585	1,969	0		1,278	13,911	2030+
Indiantown Gap, PA	3,734	72,999	3,948		564	22,341	2030+
Jefferson Barracks, MO	12	1,982	54		23	0	Closed
Jefferson City, MO	54	2,734	59		43	3,752	2030+
Keokuk, IA	0	699	0		0	0	Closed
Kerrville, TX	110	7,687	186		134	213	1999
Knoxville, TN	733	34,484	642		86	2,613	2030+
Leavenworth, KS	76	3,148	31		61	1,332	2015
Lebanon, KY	0	1,388	0		0	0	Closed
Lexington, KY	606	17,397	296		45	918	1998
Little Rock, AR	2,880	239,327	12,192		6,099	32	Closed
Long Island, NY	674	71,386	2		2,539	0	Closed
Los Angeles, CA	3	6,483	5		132	0	Closed
Loudon Park, MD	59	16,472	376		19	1	Closed
Marietta, GA	117	9,056	0		0	390	2030+
Marion, IN	972	3,669	0	1,248	1,928	22,358	2030+
Massachusetts, MA	758	31,864	948		586	1,863	1997
Memphis, TN							

See footnotes at end of table.

National Cemeteries—Location, Interments, and Status of Gravesites
September 30, 1985

National Cemetery	FY 1985 Interments	Gravesites			Available		Close-out Date (Fiscal Year)[4]
		Used Cemeterial	Reserved	Available	Cremain Sites	Casket Sites	
Mill Springs, KY	31	1,954	31	.....	109	412	2000
Mobile, AL	10	3,611	340	.....	5	0	Closed
Mound City, IL	46	8,932	67	.....	24	1,287	2010
Mountain Home, TN	101	9,900	0	.....	88	3,041	2030+
Nashville, TN	540	27,206	367	719	339	3,397	1998
Natchez, MS	67	5,122	49	.....	45	406	1991
National Memorial Cemetery of the Pacific, HI	249	29,897	656	.....	5,554	1,210	1998
New Albany, IN	0	4,963	146	.....	256	2	Closed
New Bern, NC	114	5,824	92	.....	185	841	1991
Philadelphia, PA	26	10,370	37	.....	13	3	Closed
Port Hudson, LA	186	6,925	30	.....	22	219	1991
Prescott, AZ	10	2,998	0	.....	0	0	Closed
Puerto Rico, PR[5]	998	15,773	1,353	.....	35	16,945	2030+
Quantico, VA	617	1,449	0	.....	3,572	54,823	2030+
Quincy, IL	13	491	1	.....	13	88	1998
Raleigh, NC	144	4,383	82	23	146	866	1992
Richmond, VA	19	7,272	212	.....	0	1	Closed
Riverside, CA	4,705	27,418	0	5,034	5,526	65,467	2030+
Rock Island, IL	383	12,148	232	568	479	4,630	1994
Roseburg, OR	16	2,380	0	.....	0	0	Closed
St. Augustine, FL	4	1,184	18	.....	40	0	Closed
Salisbury, NC	136	14,842	63	.....	0	739	1992
San Antonio, TX	0	3,908	28	.....	23	173	Closed
San Francisco, CA	337	23,729	530	.....	447	75	Closed
Santa Fe, NM	207	15,047	480	.....	317	4,944	1993
Seven Pines, VA	1	1,134	1	.....	0	0	Closed
Sitka, AK	29	992	1	.....	6	39	2030
Springfield, MO	275	9,338	197	.....	102	1,036	2008
Staunton, VA	2	843	5	.....	10	2	Closed
Togus, ME	0	9,371	0	.....	0	0	Closed
Willamette, OR	2,009	80,344	1,979	.....	2,431	13,250	2001
Wilmington, NC	110	4,849	58	.....	44	91	1998
Winchester, VA	11	9,081	35	.....	96	1	Closed
Wood, WI	882	23,961	1	.....	170	1,238	1992
Woodlawn, NY	34	8,294	211	.....	12	0	Closed
Zachary Taylor, KY	131	8,620	963	.....	99	192	1999

N. Virginia* N. California*
Add'l cem. opens

[1] *Includes all type of gravesites including columbaria niches.*
[2] *In-ground sites suitable for cremated remains and columbaria niches.*
[3] *Gravesites available excluding Reserved and Adjacent Gravesites Set-Aside.*
[4] *Cemeteries indicated as "closed" may continue to inter eligible family members in already occupied gravesites and previously reserved gravesites.*
[5] *Included with Leavenworth National Cemetery data.*
[6] *Previously Bayamon, P.R.*